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June 22, 2004

**CERTIFICATE OF MAILING**  
37 C.F.R 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

June 22, 2004

Date

  
Mark T. Garrett

**MS AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/821,108 entitled "MEDICAL DEVICES AND RELATED METHODS" – Frank A. Morello*  
*Our reference: UTXC:768US*  
*Client reference: MDA03-003*

Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A1-A17, B1 and C1-C13.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTXC:768US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

  
Mark T. Garrett  
Reg. No. 44,699

MTG/kmv  
Encl.: as noted



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Frank A. Morello

Serial No.: 10/821,108

Filed: April 8, 2004

For: MEDICAL DEVICES AND RELATED  
METHODS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTXC:768US

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June 22, 2004

Date

*Mark T. Garrett*  
Mark T. Garrett

INFORMATION DISCLOSURE STATEMENT

**MS AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTXC:768US.

Applicant respectfully requests that the listed documents be made of record in the present case.

Respectfully submitted,



Mark T. Garrett  
Reg. No. 44,699  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: June 22, 2004

Form PTO-1449 (modified)

Atty. Docket No.

Serial No.

UTXC:768US

10/821,108

## List of Patents and Publications for Applicant's

Applicant

Frank A. Morello

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:

Group:

April 8, 2004

Unknown

U.S. Patent Documents

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Foreign Patent Documents

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Other Art

See Page 2

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	3,680,562	8/01/72	Wittes <i>et al.</i>	128	347	4/26/71
	A2	3,860,006	1/14/75	Patel	128	347	6/25/73
	A3	4,308,875	1/05/82	Young	128	753	3/11/81
	A4	4,643,196	2/17/87	Tanaka <i>et al.</i>	128	753	4/23/85
	A5	4,644,951	2/24/87	Bays	128	305	9/16/85
	A6	4,799,494	1/24/89	Wang	128	753	10/22/86
	A7	4,883,474	11/28/89	Sheridan and Alley	604	280	6/16/87
	A8	4,986,814	1/22/91	Burney <i>et al.</i>	604	164	6/13/88
	A9	5,098,413	3/24/92	Trudell <i>et al.</i>	604	281	7/09/90
	A10	5,320,110	6/14/94	Wang	128	753	3/30/93
	A11	5,394,887	3/07/95	Haaga	128	754	1/14/94
	A12	5,509,909	4/23/96	Moy	604	281	10/06/94
	A13	5,643,230	7/01/97	Linder	604	280	5/15/95
	A14	6,015,391	1/18/00	Rishton <i>et al.</i>	600	567	10/06/98
	A15	6,056,700	5/02/00	Burney <i>et al.</i>	600	564	10/13/98
	A16	6,280,434	8/28/01	Kinoshita <i>et al.</i>	604	530	1/30/98
	A17	6,447,477	9/10/02	Burney <i>et al.</i>	604	93.01	1/11/01

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO 01/70114	9/27/01	PCT			English

25419847.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)		Atty. Docket No. UTXC:768US	Serial No. 10/821,108
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicant Frank A. Morello	
		Filing Date: April 8, 2004	Group: Unknown
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 2</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	"American Lung Association-Contact: State of the Air 2002," <a href="http://www.lungusa.org/contact/">http://www.lungusa.org/contact/</a> , printed on September 25, 2002.
	C2	"CAT Scan Guided Biopsy of Lung," Lung Biopsy, <a href="http://www.medexpert.net/medinfo/lungbiopsy.htm">http://www.medexpert.net/medinfo/lungbiopsy.htm</a> , printed on September 20, 2002.
	C3	"Device Coatings," ECHO-COAT Products, <a href="http://www.stsbiopolymers.com/echocoatproducts.htm">http://www.stsbiopolymers.com/echocoatproducts.htm</a> , printed on September 20, 2002.
	C4	"INRAD: Coaxial FNA Biopsy Needles," <a href="http://www.inrad-inc.com/coaxial.htm">http://www.inrad-inc.com/coaxial.htm</a> , printed October 15, 2002.
	C5	"Medical Procedures: Types of Biopsy," <a href="http://imaginis.com/biopsy/biopsy_types.asp">http://imaginis.com/biopsy/biopsy_types.asp</a> , June 6, 2004 copy of identical version printed on September 24, 2002.
	C6	Allen, "Lung Cancer: 2001 update on diagnosis, staging, and treatment," <a href="http://home.columbus.rr.com/allen/lung_cancer_cme.htm">http://home.columbus.rr.com/allen/lung_cancer_cme.htm</a> , printed on September 20, 2002.
	C7	Bolinger and Mathur, "ERS/ATS Statement on Interventional Pulmonology," <i>Eur. Respir. J.</i> , 19:357-373, 2002.
	C8	Cardella <i>et al.</i> , "Quality Improvement Guidelines for Imag-guided Percutaneous Biopsy in Adults," <a href="http://www.sirweb.org/clinical/T26.htm">http://www.sirweb.org/clinical/T26.htm</a> , printed on September 20, 2002.
	C9	Hallett, "Musculoskeletal Tumors, Percutaneous Needle Biopsy," Emedicine, <a href="http://www.emedicine.com/radio/topic 844.htm">http://www.emedicine.com/radio/topic 844.htm</a> , June 22, 2004 copy of identical version printed on September 20, 2002.
	C10	Rotte, "CT-assisted needle biopsy in pulmonary and mediastinal space-occupying lesions. The effect of spiral CT and various biopsy needles on results," <i>Aktuelle Rasiol.</i> , (abstract), 5(3):136-139, 1995.
	C11	Williams, "Percutaneous Transch�oracic Needle Biopsy," Percutaneous Needle Biopsy Discussion, <a href="http://www.auntminnie.com/ScottWilliamsMD2/Chest/General/Biopsy/Biopsy.htm">http://www.auntminnie.com/ScottWilliamsMD2/Chest/General/Biopsy/Biopsy.htm</a> , printed on September 19, 2002.
	C12	Williams, "Radiologic Assessment of Bronchogenic Carcinoma," Radiology InfoNet, <a href="http://www.radifonet.com/cme/williams/percutaneous_biopsy.htm">http://www.radifonet.com/cme/williams/percutaneous_biopsy.htm</a> , printed on September 19, 2002.

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U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 2</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C13	Wong <i>et al.</i> , "Cryosurgery as a treatment for advanced stage hepatocellular carcinoma," Cancer, 82(7):1268-1278, 1998.

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